

~~SECRET~~ Library-

STATEMENT OF ROSEL H. HYDE, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION, BEFORE THE COMMUNICATIONS SUBCOMMITTEE OF THE SENATE COMMERCE COMMITTEE ON S. 375, A BILL TO AMEND THE COMMUNICATIONS ACT OF 1934 WITH RESPECT TO OBSCENE OR HARASSING TELEPHONE CALLS IN INTERSTATE OR FOREIGN COMMERCE.

February 16, 1967

Mr. Chairman, I am Rosel H. Hyde, Chairman of the Federal Communications Commission. I appear here today at the Committee's invitation to discuss S. 375. This bill would add a new section 223 to the Communications Act of 1934 to prohibit, in substance, the making of obscene, lewd, lascivious, filthy, or indecent telephone calls or those intended to annoy, abuse, threaten, or harass, either in interstate or foreign commerce or within the District of Columbia. It provides for a fine of not more than \$500 or imprisonment for not more than six months, or both.

The Federal Communications Commission is fully in accord with the effort to deal with the problem of obscene and harassing telephone calls which is embodied in this bill. S. 375 is identical to S. 2825, 89th Congress, as passed by the Senate on June 29, 1966, which this Commission supported in its present form.

Obscene and harassing telephone calls have become a matter of serious concern. The dimensions of the problem are already large and are apparently growing. At the request of the Commission, the Bell Telephone System, which provides more than 80 percent of the Nation's telephones, began to compile statistics in February 1966 concerning

the number of calls as to which it receives complaints. The Bell System lists as abusive calls those falling under the headings of obscene, harassing, threatening, or interference. The figures show that, for eleven months of 1966, the Bell System received over 568,000 complaints concerning abusive telephone calls that threaten or harass the recipient, or an average of over 51,000 such complaints each month.

When compilation of complaints began in early 1966 the number of reported abusive calls was between forty and forty-five thousand per month. The number of incidents of such calls increased to between fifty and fifty-five thousand per month as of the latter part of 1966.

Over 56,000 abusive calls were reported in November and over 51,000 in December. A detailed breakdown of the statistics for these two months is attached to this statement.

It should be noted that only a small portion of the total number of reported abusive calls were interstate in nature. During the eleven-month period in which the Bell System compiled statistics, 512 complaints of abusive interstate calls were reported. Thirty-six such complaints were received in November and 19 in December, 1966.

S. 375 would deal not only with obscene calls, but also the anonymous call made with intent to harass, and repeated calls made solely for the same purpose. The bill thus covers certain types of

anonymous calls which have been of increasing concern. The telephone may ring at any hour of the day or night, to produce only a dead line when answered. Sometimes the caller will merely breathe heavily and then hang up. Sometimes he will utter obscenities. Recently a new and most offensive form of harassment has been devised. Families of servicemen are called and given false reports of death or injury, or even, hard as it is to believe, are gloatingly reminded of the death of a son or husband in the service. S. 375 reaches all of these vicious practices.

Some remedies do exist at the present time. Thirty-eight States have statutes generally prohibiting the making of various types of obscene, harassing, or annoying telephone calls. These laws, many of which are of recent origin, should assist the efforts to solve the problem of intrastate abusive calling. In addition, telephone company tariffs prohibit obscene language over the telephone or the use of telephone service in such a manner as to harass or frighten others.

The Bell Telephone System has developed improved equipment to determine the source of anonymous abusive calls, and has issued instructions to operating companies for close cooperation with subscribers who complain of obscene or harassing telephone calls. It is to be hoped that recent publicity given to this matter by the telephone company and the manner in which they will serve customers

who receive such calls will have the beneficial effect of reducing these insidious practices.

Although Title 18 U.S.C. 875(c) prohibits interstate communications containing a threat of personal injury, and 18 U.S.C. 837(d) prohibits use of the telephone to make threats of damage to certain property or threats to persons seeking to make specified uses of such property, no Federal law deals with the many aspects of the problem of abusive calls. S. 375 would apply to all interstate calls and those calls made within the District of Columbia. Its enactment would facilitate prosecutions for interstate calls by permitting prosecution where it may be convenient for the witnesses, since section 3237 of Title 18, United States Code, permits prosecution of offenses in any district in which the offense is begun, is continued, or is completed.

Enforcement of a Federal criminal statute dealing with obscene and harassing telephone calls would appropriately be the responsibility of the Department of Justice. From the standpoint of the Federal Communications Commission's general concern in this area, we are fully in accord with the effort to deal with this problem which is embodied in S. 375 and support its enactment.

# # #

Attachment 1

Bell Telephone System Summary of Abusive Calling

November 1966

The figures shown represent actual results for November, 1966 in all Bell Telephone System Companies.

<u>Classification</u>	<u>Total No.</u> <u>November</u>
Abusive	56,796
Commercial Solicitation	1,734
Misdirected	3,097

<u>Breakdown of Abusive</u>	
Obscene	12,359
Harassing	39,088
Threatening	2,538
Interference	2,811

<u>Disposition of Abusive</u>	
Closed after initial discussion	30,562
Closed after keeping log	13,344
Number change - no transfer	6,237
Change to non-list or non-published numbers	4,853
Requests for line identification	3,783
Lines successfully identified	699
Cases referred to Security	1,224
Cases requiring disconnection by Company	5
Cases resulting in court convictions	58
Cases involving Intercity calling	1,342
Cases involving Interstate calling	36
Total number closed	50,607
Total number pending	11,021

## Attachment 2

### Bell Telephone System Summary of Abusive Calling

December 1966

The figures shown represent actual results for December, 1966 in all Bell Telephone System Companies.

<u>Classification</u>	<u>Total No.</u>
	<u>December</u>
Abusive	51,439
Commercial Solicitation	1,331
Misdirected	2,573

<u>Breakdown of Abusive</u>	
Obscene	11,571
Harassing	35,612
Threatening	2,063
Interference	2,193

<u>Disposition of Abusive</u>	
Closed after initial discussion	28,350
Closed after keeping log	13,452
Number - change - no transfer	5,092
Change to non-list or non-published numbers	4,021
Requests for line identification	3,503
Lines successfully identified	755
Cases referred to Security	1,064
Cases requiring disconnection by Company	15
Cases resulting in court convictions	39
Cases involving Intercity calling	1,281
Cases involving Interstate calling	19
Total number closed	47,763
Total number pending	9,700